

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALICE KIEFT,

Plaintiff

04 CV 10949 NMG

v.

AMERICAN EXPRESS COMPANY,  
AMERICAN EXPRESS COMPANY LONG  
TERM DISABILITY PLAN, and  
AMERICAN EXPRESS COMPANY LIFE  
INSURANCE PLAN,

Defendants

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**PLAINTIFF'S CROSS-MOTION  
FOR JUDGMENT ON THE ADMINISTRATIVE RECORD**

Plaintiff, ALICE KIEFT, by and through her undersigned counsel, pursuant to Fed. R. Civ. P. 56, moves for Judgment on the Administrative Record in her favor. As grounds for her motion, Plaintiff states that in this action, Counts III and IV, which state causes of action for benefits under ERISA, 29 U.S.C. § 1132(a)(1)(B), should be determined in her favor, as defendants have failed to make any decision on her claims, and their post hoc rationalizations should be barred pursuant to *Glista v. UNUM Life Ins. Co. of America*, 378 F.3d 113 (1<sup>st</sup> Cir. 2004). In further support of her motion, Plaintiff submits her accompanying Counter-Statement of Facts and Memorandum of Law, and respectfully refers this Court to the exhibits filed with the Court by defendant.

**REQUEST FOR ORAL ARGUMENT**

Plaintiff respectfully requests oral argument on this motion.

Dated: May 31, 2006  
Haverhill, MA

LAW OFFICE OF  
STEPHEN L. RAYMOND, ESQ.  
Attorney for Plaintiff

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